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JUN 14 2007

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE OFFICE OF PETITIONS

In re Application of: William Sonnier et al.

Attorney Docket No. 503472.000009

Serial No.: 10/060,022

Filing Date: January 28, 2002

Group Art Unit: 1616

Examiner Name: Badio

Title: *PROCESS OF EXTRACTING AND PURIFYING PHYTOSTEROLS  
AND PHYTOSTANOLS FROM TALL OIL PITCH*RECEIVED  
JUN 05 2007  
TECH CENTER 1600/2900TRANSMITTAL LETTEROFFICE OF PETITIONS  
Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

05/30/2007 MGE BREM1 00000059 10060022

01 FC:1453  
02 FC:18141500.00 OP  
130.00 OP

Dear Sir:

Please be advised that we have been assigned Attorney of Record for the above-referenced U. S. Patent Application. Applicants respectfully request that this application be reinstated and that the application be allowed to move forward to grant.

The above-referenced U. S. Patent application was abandoned on March 24, 2004 due to failure to file a response to an office action. The first Office Action was issued by Examiner Badio and dated March 21, 2003 for which a response was filed on September 19, 2003 as evidenced by the certificate of mailing signed by Ms. Susan M. Ben-Oliel, attorney of record at that time. The response to said office action deleted Claim 20 without prejudice, which was the only claim that Examiner Badio rejected. Ms. Ben-Oliel expected to receive a Notice of Allowance but instead received no further correspondence from the USPTO.

01 FC:1453  
02 FC:1814

Subsequently, a Notice of Abandonment was received and on September 15, 2004, a Petition to Revive was filed along with the required fees, a Reply to the Office Action, a 3-month extension of time, a Terminal Disclaimer with statutory fee, and a Statement that the entire delay in filing this reply from the due date required until the filing of this grantable petition was unintentional. This is evidenced again by the certificate of mailing executed by Ms. Ben-Oliel.

On May 24, 2007, our Paralegal Ms. Yanela O. Carpenter called the Petitions Office and spoke with Mr. William Dixon. We were kindly advised by Mr. Dixon that none of the above documents were received, entered or acknowledged by the USPTO and that was the reason this application was abandoned. He also advised Ms. Carpenter that there is record on PALM of telephone calls and interviews between the Examiner and the previous attorney of record.

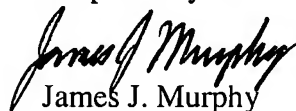
Per Mr. Dixon's suggestion, we are enclosing copies of all these documents originally submitted to the USPTO on September 15, 2004 along with two checks – first check in the amount of \$1,500.00 for the Petition Fee and second check in the amount of \$130.00 for the Statutory Fee for the Terminal Disclaimer.

For the reasons stated above, Applicant respectfully requests that the above-referenced U. S. Patent Application No. 10/060,022 be reinstated and Applicant respectfully requests the issuance of the Notice of Allowance.

The Commissioner is hereby authorized to charge any deficiencies related to these fees or credit any over payment to Deposit Account No. 20-0821 of THOMPSON & KNIGHT LLP.

Should additional information be required, please do not hesitate to call me.

Respectfully submitted,



James J. Murphy  
Reg. No. 34,503  
THOMPSON & KNIGHT LLP  
1700 Pacific, Suite 3300  
ATTORNEY FOR APPLICANT

Date: May 25, 07



COPY

IN THE UNITED STATES PATENT OFFICE

In Re Application of William E Sonnier

Application No.: 10/060,022

Filing Date: 01/28/2002

Examiner Badio

Art Unit: 1616

Date: September 19, 2003

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OFFICE OF PETITIONS

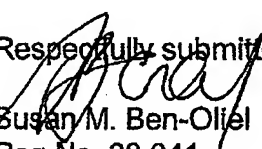
Transmittal Letter

To: MAIL STOP NON-FEE AMENDMENT, COMMISSIONER FOR PATENTS,  
PO BOX 1450, ALEXANDRIA VA, 22313-1450.

Enclosed for filing in connection with the patent application noted above are:


- X Response to Office Action
- X Petition for Three Months Extension of Time
- X Cheque in the amount of \$465 (US Dollars, payable to Commissioner of Patents and Trademarks)

Respectfully submitted,

  
Susan M. Ben-Oliel  
Reg No. 33,641

Certificate of Mailing Under 37CFR 1.8

I hereby certify that this paper and documents referred as being attached hereto or enclosed herewith are being deposited with the United States Postal Service on September 19, 2003 as first class mail in an envelope addressed to MAIL STOP NON-FEE AMENDMENT, COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA VA, 22313-1450.

  
Susan M. Ben-Oliel (Reg No. 33,641)

Attorney of Record Phone 604-254-5530/Fax 604-687-5912



IN THE UNITED STATES PATENT OFFICE

COPY

Commissioner of Patents  
PO BOX 1450  
Alexandria, VA 22313-1450

In Re application of Sonnier.  
Application No.: 10/060,022  
Filing date: 01/28/02

Art Unit 1616  
Date: July 20, 2005

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JUN 14 2007

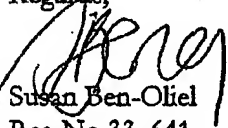
OFFICE OF PETITIONS

Letter Requesting Status Inquiry

As agent of record on this application, I had my office assistant make repeated calls to the US Patent Office over the past several months to determine the status of our Petition under 37 CFR 1.137(b).

I ask that we receive a confirmation by facsimile or mail indicating that the Petition was received in good order. Please make note of new correspondence address and facsimile number below.

Regards,

  
Susan Ben-Oliel  
Reg No 33, 641

130-The Station  
601 West Cordova Street,  
Vancouver, BC Canada V6B 1G1  
Phone 604-254-5530 Fax 604-266-6315



IN THE UNITED STATES PATENT OFFICE

COPY

Commissioner of Patents  
PO BOX 1450  
Alexandria, VA 22313-1450

In Re application of Sonnier.  
Application No.: 10/060,022  
Filing date: 01/28/02

Art Unit: 1616  
Date: February 15, 2005

RECEIVED

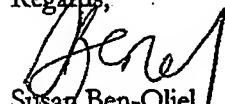
JUN 14 2007

OFFICE OF PETITIONS

Letter Requesting Status Inquiry

As agent of record on this application, I had my office assistant call the US Patent Office yesterday to determine the status of our Petition under 37 CFR 1.137(b). As we had not had a return call to her message, I kindly ask that we receive a reply by facsimile or mail.

Regards,

  
Susan Ben-Oliel  
Reg No 33, 641

2983 West 41<sup>st</sup> Avenue  
Vancouver, BC Canada V6N 3N1  
Phone 604-254-5530



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/060,022

Filing Date

January 28, 2002

First Named Inventor

William Sonnier et al.

Art Unit

1616

Examiner Name

Badio

Attorney Docket Number

503472.000009

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**OFFICE OF PETITIONS****ENCLOSURES (Check all that apply)**

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/  
Incomplete ApplicationReply to Missing Parts  
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a  
Provisional Application

Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer (Copy)



Request for Refund



CD, Number of CD(s) \_\_\_\_\_

☐ Landscape Table on CD

After Allowance Communication to TC

Appeal Communication to Board  
of Appeals and InterferencesAppeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify  
below):**Remarks**

Enclosing copies of documents previously filed on September 15, 2004: copy of Petition to Revive, copy of Terminal Disclaimer, copy of Statement that the entire delay was unintentional, copy of Response to Office Action, copy of Terminal Disclaimer (including mailing certificates) and two checks for payment of petition fee \$1,500.00 and statutory fee \$130.00.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

THOMPSON &amp; KNIGHT LLP

Signature

Printed name

James J. Murphy

Date

May 25, 07

Reg. No.

34,503

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Yanela O. Carpenter

Date

May 25, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

0-1 P E IAP74  
MAY 29 2007  
PATENT & TRADEMARK OFFICE

PTO/SB/17 (01-06)

Approved through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL For FY 2006

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,630.00

## Complete if Known

Application Number 10/060,022  
Filing Date January 28, 2002  
First Named Inventor William Sonnier, et al.  
Examiner Name Badio  
Art Unit 1616  
Attorney Docket No. 503472.000009

RECEIVED

JUN 14 2007

OFFICE OF PETITIONS

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number: 20-0821 Deposit Account Name: Thompson & Knight LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

### 2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims Extra Claims Fee (\$) Fee Paid (\$) Multiple Dependent Claims Fee (\$) Fee Paid (\$)

- 20 or HP = x =

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)

- 3 or HP = x =

HP = highest number of independent claims paid for, if greater than 3.

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)

- 100 = / 50 = (round up to a whole number) x =

### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Other (e.g., late filing surcharge): Petition to Revoke (1,500.00) & Terminal Disclaimer (\$130.00) 1,630.00

### SUBMITTED BY

Signature James J. Murphy Registration No. 34,503 Telephone 214-969-1749  
Name (Print/Type) James J. Murphy Date May 25, 07

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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